***United States Court of Appeals***

***for the Second Circuit***

# APPENDIX

76-1031

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P/S

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

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UNITED STATES OF AMERICA,

Appellee,

Docket #76-1031

-against-

CHARLES BRADLEY

Appellant.

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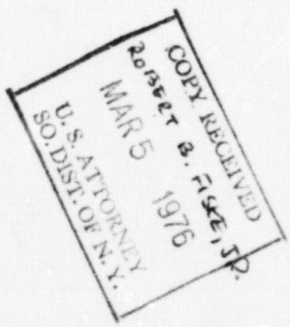
APPENDIX FOR APPELLANT

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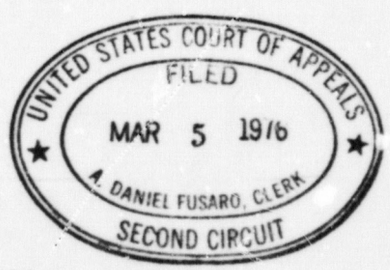

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UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

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UNITED STATES OF AMERICA

-against-

CHARLES BRADLEY,

Defendant.

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UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK.

CASE NO. 75 CR. 590
JUDGE CARTER

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

- v - : INDICTMENT

CHARLES BRADLEY, JR. : 75 Cr.

Defendant. :

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The Grand Jury charges:

On or about April 14, 1975, in the Southern District of New York, the defendant, CHARLES BRADLEY, JR., unlawfully, knowingly and wilfully did utter and publish as true, with intent to defraud the United States, a false and forged writing, namely, the endorsement of the payee on a check, knowing the same to be false and forged, the check being a genuine obligation of the United States, and of the following tenor: United States Treasury check #92,061,315, dated April 11, 1975, payable to Francis Berger, 66 Post Avenue, New York, N.Y., in the amount of $215.53.

(Title 18, United States Code, Section 495).

SECOND COUNT

The Grand Jury further charges:

On or about April 14, 1975, in the Southern District of New York, the defendant, CHARLES BRADLEY, JR., unlawfully, knowingly and wilfully did keep in his possession the contents of a letter, which had been stolen from an authorized depository for mail matter and mail route, knowing the same to have been stolen, such letter being addressed as follows:

Francis Berger
66 Post Ave.
New York, N.Y.

(Title 18, United States Code, Section 1708).

FOREMAN

PAUL J. CURRAN
United States Attorney

THE CLERK: For sentence, United States of America versus Charles Bradley, Jr.

Is the government ready?

MS. CUSHMAN: The government is ready.

THE CLERK: Is the defendant ready?

MR. SIEGEL: Yes, the defendant is ready.

THE COURT: All right.

I suppose that I ought to announce, so we won't have to deal with that problem, that the motion for a new trial is denied.

MR. SIEGEL: Your Honor, if it may please the court, I move to have the verdict set aside as being contrary to the weight of evidence.

THE COURT: That motion is denied.

MR. SIEGEL: Your Honor, in addition, I have been advised by Mr. Bradley this morning that he has located two witnesses who will come to court and testify as to a conversation which one of the agents had with Mr. Bradley by telephone --

THE COURT: The motion is denied. The issue which we have raised in the first instance is to go behind the verdict of the jury, and the other matters don't have any substance.

So let's proceed with the sentencing, and after

CHARGE OF THE COURT

Carter, J.

THE COURT: Ladies and gentlemen, we now come to that part of the case where the evidence is in, the lawyers have presented their arguments, and you are about to exercise your final role, which is to pass upon and to decide the fact issues that are in the case. You are the sole and exclusive judges of the facts. You pass upon the weight of the evidence, you determine the credibility of the witnesses and you resolve such conflicts as there may be in the evidence, and you draw such reasonable inferences as may be warranted by the testimony in the case or the exhibits therein.

My function at this point is to instruct you as to the law that is applicable to the case. It is your duty to accept the law as I state it to you and to apply it to the facts as you find them. The logical result of that application is your verdict in this case.

In respect to any fact matter, it is your recollection and yours alone that governs. Anything that counsel, either for the Government or the defense, may have said with respect to matters in evidence during the trial, in questions, in colloquy with the Court, in argument or in summation, is not to be substituted for your own

recollection of the evidence.

So, too, anything the Court may have said during the trial or may refer to in the course of these instructions as to any factual matter in evidence is not to obtain in lieu of your own recollection. The case must be decided by you upon the sworn testimony of the witnesses and such exhibits as were received in evidence and any stipulation entered into among counsel.

At times throughout this trial I have been called upon to make rulings upon various matters of law in respect to a question or the offer of a document. I have sustained some objections and I have overruled others. It is essential in the performance of your duty that anything that was ordered stricken from the record or rejected, you put it out of your minds and disregard it entirely.

Now, please do not concern yourselves at all with my reasons for any of these rulings. They are purely legal matters and of no concern to you. In deciding this case, you will be called upon to consider both direct evidence and circumstantial evidence. I would like to explain the difference between these two types of evidence.

Direct evidence is where a participant or a witness testified to what he saw, heard or observed, what he knows of his own knowledge, something which comes to him

by virtue of his senses. A document can also contain direct evidence.

Circumstantial evidence is evidence of facts and circumstances from which one may infer connected facts which reasonably flow in the common experience of mankind. Stated somewhat differently, circumstantial evidence is evidence of facts from which other facts that are material in a lawsuit may be found by the process of inference.

Now, let me give you an example that I believe has nothing to do with the facts in this case. Let's suppose that you had a material issue in some case as to whether John Doe was drinking alcoholic beverages on a particular night. A witness might take the stand and testify that he had given whiskey to John Doe and had seen him drinking it. That would be what is termed direct evidence. If you believed that witness and thought he was able to report accurately, you could find from that direct evidence that John Doe had been drinking on the night in question.

On the other hand, you might have a witness testify that he had seen John Doe enter a tavern and then had seen him leave the tavern a few hours later, walking and talking in ways that suggested he was drunk. If you believe that witness and thought he was an accurate

reporter, you could find on the basis of that testimony that John Doe had been drinking on the night in question. You would be using circumstantial evidence to find the existence of a material fact in that hypothetical case.

Let me tell you, for your purposes there is no general rule of law and no general rule of good sense that places either of these two types of evidence, direct or circumstantial, in a general way on a higher or lower or different footing from the other. With respect to any evidence admitted into a trial record, whether it is direct or circumstantial, it is entitled to such weight, and you are permitted to draw such reasonable inferences as your good judgment dictates in a particular case. The weight and effect of any item or category of evidence depends not on whether it is to be categorized as direct or circumstantial, but on the concrete significance of that particular piece of evidence in its trial setting and upon its intrinsic credibility or persuasive power in light of the observations of the witness, your own general experience of things, and your reasonable analysis of the whole record.

There are times when different inferences may be drawn from facts whether they are proved by circumstantial or direct evidence. The Government asked you to draw one

set of inferences while the defendant asks you draw another. It is for you to decide, and you alone, what inferences you will draw.

Now, it is your function to determine the truth or falsity of the testimony of each witness. No inference as to the credibility of any witness should be drawn from the fact that upon occasion I have asked questions of the witness. My questions were only intended for clarification or to expedite matters. They were not intended to suggest my opinion as to the credibility of a witness who appeared before you.

Now, how do you determine the truth and how do you appraise the credibility of a witness? When you were sworn in I said, and I will repeat, that you use your plain, everyday common sense. The degree of credit to be given a witness should be determined by his or her demeanor here, his or her relationship to the controversy and to the parties, his or her bias or impartiality, the reasonableness of his or her statements, the strength or weakness of his recollection viewed in the light of all the other testimony and the attendant circumstances in the case.

Now, you observed the witnesses, you heard their testimony. You must ask yourselves to answer the question, how did they strike you? Did their answers seem frank, open,

to any material fact, you may disregard all of his testimony or accept such part of it as you believe worthy of belief as it appeals to your reason and to your judgment.

The fact that the Government is a party here, that the prosecution is brought in the name of the United States of America, entitles it to no greater consideration than that accorded to any other party in a litigation. By the same token, it is entitled to no less consideration.

The case should be considered and decided by you as actions between persons of equal standing in the community, and all persons stand equal before the law and are to be dealt with as equals in a court of justice.

Now, as I advised you at the start of this trial, the indictment is merely an accusation, it is merely a charge. It is not evidence or proof of a defendant's guilt and no inference of any kind may be drawn from the indictment.

The Government has the burden of proving the charges against the defendant beyond a reasonable doubt. It is a burden that never shifts and remains upon the Government throughout the entire trial. The defendant does not have to prove his innocence. On the contrary, he is presumed to be innocent of the accusation contained in the indictment, and that presumption of innocence was in his

truthful and candid? Or were they equivocal, deliberately confusing or evasive, or were they somewhere in between? How did each witness impress you? And so you take each one and on the basis of your common sense and your everyday experience you determine whether or not you believe the witness and to what extent you believe the witness.

In passing upon the credibility of a witness, you may also take into account whether there were material inconsistencies or contradictions within his or her own testimony, whether a witness changed his or her testimony, and to the extent to which he or she has been corroborated or contradicted by other credible evidence.

You are at liberty, if you deem it appropriate, to disbelieve testimony in whole or in part, even though it is not otherwise contradicted or impeached. An interested witness is not necessarily unworthy of belief, but the interest of a witness in the outcome of this lawsuit is a factor, however, which you may consider in determining the weight and credibility to be given to that witness' testimony. Also, you should be reminded that the testimony of agents of the Government are to be evaluated and weighed and given no greater or less weight than the testimony of any other witness who is not an agent of the Government. If you find that any witness wilfully testified falsely

favor at the start of the trial, continued in his favor throughout the trial, is in his favor even as I instruct you now, and remains in his favor during the course of your deliberations in the jury room, and it is removed only if and when you are satisfied that the Government has sustained this burden of proving the guilt of the defendant beyond a reasonable doubt.

Now, what is a reasonable doubt? It is a doubt based on reason which arises from the evidence or lack of evidence in the case. It is a doubt that a reasonable man or woman might entertain. It is not a fanciful or speculative doubt. It is not an imagined doubt. It is not a doubt that a juror might conjure up in order to avoid performing an unpleasant task or duty. It is not proof to an absolutely certainty.

Let me repeat: It is a reasonable doubt. It is a doubt that appeals to your reason, to your judgment, your common understanding, and your common sense; a doubt that would cause you to hesitate to act in a matter of importance in your daily lives.

On the other hand, the Government does not have to prove the guilt of a defendant beyond all possible doubt or to a positive certainty. If that were the rule, few people, however guilty they might be, would be convicted.

If, when you consider the evidence in this case, you have a reasonable doubt that the Government has proved any element of the crime charged, then you must return a verdict of acquittal. You may not return a guilty verdict simply because you feel that it is more likely than not that the defendant committed the crime charged. A guilty verdict is only appropriate if each and every one of you are satisfied that the defendant's guilt has been proved beyond a reasonable doubt.

In this case, the indictment charges two different crimes against the defendant. It is your obligation to consider separately each of the individual charges or counts of the indictment, and to decide whether as to each count the Government has or has not sustained its burden of proving beyond a reasonable doubt the guilt of the defendant to the charge in the particular count.

As I told you at the start of the trial, the defendant in this case is Charles Bradley, Jr., and I will now read you Count 1 of the indictment:

"The grand jury charges on or about April 14, 1975, in the Southern District of New York, the defendant Charles Bradley, Jr., unlawfully, knowingly and wilfully did utter and publish as true with intent to defraud the United States, a false and forged writing, namely, the

endorsement of the payee on a check, knowing the same to be false and forged, the check being a genuine obligation of the United States and of the following tenor: United States Treasury Check No. 92061315, dated April 11, 1975, payable to Frances Berger, 66 Post Avenue, New York, New York, in the amount of $215,13."

Count 1 charges the defendant with violating the federal law, Title 18 United States Code, Section 495. Title 18, Section 495 provides: "Whoever falsely makes, alters, forges or counterfeits any writing for the purpose of obtaining or receiving from the United States or any officer or agent thereof any sum of money commits a crime."

The defendant is charged in Count 1 of the indictment with violating the second paragraph of the statute which provides in pertinent part that: "Whoever utters or publishes as true any such false, forged, altered or counterfeited writing with intent to defraud the United States, knowing the same to be false, altered, forged or counterfeited, commits a crime."

The term "writing" in the section of the law I have read to you includes a check drawn on the Treasury of the United States. A check is forged if it is a genuine check but someone other than the payee signs the payee's endorsement on the back of the check, if that act is done

wilfully and without authority from the payee and with intent to defraud. The payee is the person to whom the check is made out.

The phrase "utters or publishes as true," as used in the statute I read to you, means to attempt to use the check. For example, to try to cash it or place it in circulation if some assertion, representation or claim of validity of the check is made to another person in some way, either in words or acts, expressly or impliedly, that the check is genuine.

In order to convict the defendant of the crime of uttering charged in Count 1 of the indictment, you must find each of the following to be true beyond a reasonable doubt:

First, if the United States Treasury check made payable to Frances Berger was a genuine obligation of the United States;

Second, that the endorsement of Frances Berger on the back of the check is a forgery;

Third, that Charles Bradley offered the check to check casher Al Padilla, knowing the endorsement was a forgery; and

Fourth, that Charles Bradley acted wilfully and with intent to defraud the United States.

The first element of the crime charged in Count 1 of the indictment is that the Treasurer's check made payable to Frances Berger was a genuine obligation of the United States. I think it is fair to state that no serious issue of fact has been raised in this regard. It has been stipulated that Government's Exhibit 1 was a genuine obligation of the United States. Despite the lack of opposition, however, this is an element of the crime charged in Count 1 of the indictment and you must find it to have been proved beyond a reasonable doubt.

The second element of Count 1 is that the endorsement of Frances Berger on the back of the check was a forgery. In order to find that the endorsement was a forgery, as I said before, you must find beyond a reasonable doubt that the signature was placed on the check by someone other than the payee without the permission or authorization of the payee and that it was done wilfully and with intent to defraud. Furthermore, a person signing a check in the name of another commits forgery unless he us authorized by the other person to do so or has a bona fide belief that he has such authorization.

The third element of the charge in Count 1 concerns whether Charles Bradley offered the check to check casher Al Padilla knowing that the endorsement was a forgery.

To convict the defendant you must find that he uttered and published the check and that he knew the endorsement on the check was forged. To utter or publish a forged check is to declare or assert that it is good, directly or indirectly, by words or actions. That is, simply to cash a check.

In order to convict the defendant of the crime charged in Count 2 of the indictment, you must also find that he knew that the check was forged.

An act is done knowingly if it is done voluntarily and purposefully and not because of mistake, inadvertence or other innocent reason. The defendant knowingly uttered a forged check if he knew that it was forged at the time when he uttered it, and that is that he cashed it.

The final element of the charge contained in Count 1 is that the defendant acted wilfully and with intent to defraud the United States. An act is done wilfully if it is done knowingly, deliberately and with an evil purpose. An act is not done wilfully if it is done as a result of a mistake, carelessness, lack of evil purpose, or for some other innocent reason. It is not necessary for you to find that the defendant knew he was breaking a particular law. And whether or not an act is knowing or wilful has nothing to do with the defendant's personal or

private reasons for committing the act, so long as the act was done with an evil purpose.

I note that you do not need to find that the United States or anyone else was actually defrauded or suffered pecuniary loss. You must find beyond a reasonable doubt that the defendant acted wilfully and that he intended to defraud the United states, either by inflicting on it pecuniary loss or by obstructing a Government purpose.

Now, to act with intent to defraud means to act with a specific intent to deceive or cheat normally for the purpose of either causing some financial loss to another person or bringing about some financial gain to one's self. Knowledge and intent exist in the mind. Since it is not possible to look into a man's mind to see what went on, the only way you have of arriving at a decision on these questions is for you to take into consideration all the facts and circumstances, including the exhibits, and determine whether the requisite knowledge and intent were present at the time in question. Knowledge and intent may be inferred from all the surrounding circumstances.

I remind you that if the defendant had authority from the payee to cash the check, he cannot be guilty of the offense charged in Count 1, uttering and publishing a forged check.

I will now read you Count 2. It reads as follows:

"On or about April 14, 1975, in the Southern District of New York, the defendant Charles Bradley, Jr., unlawfully, knowingly and wilfully did keep in his possession the contents of a letter which had been stolen from an authorized depository for mail matter and mail route, knowing the same to have been stolen, such letter being addressed as follows: Frances Berger, 66 Post Avenue, New York, New York."

Count 2 of the indictment charges the defendant Charles Bradley with violating a different federal law, that is, Title 18, United States Code, Section 1078, that provides in part:

"Whoever steals, takes, abstracts or by fraud or deception obtains or attempts so to obtain, from or out of any mail, post office or station thereof, letter box, mail receptacle, or any mail route or other authorized depository for mail matter, or from a letter from a mail carrier, any letter, postal card, package, bag,or mail, or abstracts or removes from any such letter, package, bag or mail, any article or thing contained therein, commits a crime."

The defendant is charged with having violated a different paragraph of Section 1708, which provides in

pertinent part as follows:

"Whoever receives or unlawfully has in his possession any letter, postal card, package, bag or mail, or any article or thing contained therein, which has been stolen, taken, embezzled or abstracted, as herein described, knowing the same to have been stolen, taken, embezzled or abstracted, commits a crime."

In order to convict the defendat on the charge of possession of stolen mail, you must find each of the following to be true beyond a reasonable doubt:

First, that the check referred to in Counts 1 and 2 of the indictment was deposited in and sent through the mails;

Second, that the check was stolen, taken, embezzled or abstracted from the mails;

Third, that the defendant later had the check unlawfully in his possession; and

Fourth, that at the time of his possession the defendant knew the check was stolen.

It is not necessary that the defendant knew that the check was stolen from the mails. It is necessary only that the defendant knew the letter or its content was stolen.

The first element of the crime charged in Count 2

of the indictment is that the check referred to in the indictment was deposited in and sent through the mails. No issue of fact has been raised in this regard. It was stipulated that the Government's exhibit was the contents of an envelope which was deposited in and sent through the mails. However, this is an element of the crime charged in Count 2 of the indictment and you must find it to have been proved beyond a reasonable doubt.

In order to convict the defendant on Count 2, the second element you must find is that the Treasurer's check was stolen from the mails. On the facts of this case you may find that someone, not necessarily the defendant on trial, unlawfully removed the letter and its contents from an authorized depository for mail on or about the date set forth in the indictment, with the intent to steal the letter from its rightful owner's possession. From this fact you may find that the letter and its contents were stolen. A letter properly mailed and never received but found in the wrong hands can be found to have been stolen from the mails in the absence of any other explanation being proffered. You need not grasp for improbable explanations, for instance, that the mail was lost or misdelivered. Unlawfully means contrary to law. Thus an act is done unlawfully if the act is legally prohibited.

The third fact you must find beyond a reasonable doubt in order to convict on Count 2 is that the defendant unlawfully received or possessed the contents of the stolen mail. You may make such a finding if you conclude that the defendant had in his custody stolen mail, that is, the Treasury check. If you find that the defendant had the check in his possession, before you can find the defendant guilty of Count 2, you must find beyond a reasonable doubt that at the time the defendant had the check in his possession, he knew the check was stolen.

I remind you that for a person to commit an act knowingly, he must do it voluntarily and purposefully, not because of mistake, inadvertence or other innocent reason.

Possession of recently stolen properly, if not satisfactory explained, is ordinarily a circumstance from which you may reasonably draw the inference and find in the light of the surrounding circumstances shown by the evidence in the case that the person in possession knew that the property had been stolen. However, you are not required to make this inference.

The term "recently" is a relative term. It has no fixed meaning. Wehther property may be considered as recently stolen depends on the nature of the property and

all the facts and circumstances shown by the evidence in the case. The longer the period of time since the theft, the more doubtful becomes the inference which may reasonably be drawn from unexplained possession.

Now, if you find that when questioned by Government agents the defendant gave false statements in an attempt to exonerate himself, you may consider such false statement as circumstantial evidence from which consciousness of guilt may be inferred. Whether or not the evidence of the defendant's statement points to a consciousness of guilt and the significance, if any, to be attached to any such evidence, are matters for your consideration.

The defendant did not take the stand to testify. As I told you before, the Government has the burden of proving the charges against the defendant beyond a reasonable doubt. The defendant does not have to prove his innocence. The defendant has the right to remain silent. He does not have to testify or present any evidence in his behalf and you may not draw any inference or conclusion or form any prejudice because the defendant did not testify or present evidence.

Now, under your oath as jurors, you cannot allow any consideration of the punishment which may be inflicted upon the defendant, if he is convicted, to influence your

verdict in any way or in any sense enter into your deliberations. The duty of imposing sentence rests exclusively upon the Court. Your function is to weigh the evidence in the case and to determine the guilt or innocence of the defendant solely upon the basis of such evidence and the law as I have stated it to you. You are to decide the case upon the evidence and the evidence alone, and you must not be influenced by any assumption, conjecture or sympathy, or any inference not warranted by the facts.

If you fail to find beyond a reasonable doubt that the law has been violated, you should not hesitate for any reason to find a verdict of acquittal. On the other hand, if you should find that the law has been violated as charged, you should not hesitate, because of sympathy or any other reason, to render a verdict of guilty.

I would like to point out to you that you should not enter the jury room with any preconceived pride of opinion. You should not be unwilling to be convinced by intelligent argument with your fellow jurors. Each juror has to answer to his or her own conscience. Each has to decide this case for himself or herself. But in so doing you should be willing to consider the views of the other jurors and to talk things out and try your best to reach a unanimous verdict. Your verdict must be one with which

each juror agrees.

If, during your deliberations, you deem it necessary to have a copy of the indictment or desire any of the exhibits, they will be sent to you on request. If you wish any portion of the testimony read or the Court's charge reread, that will be done.

In conclusion, let me say that every criminal case is important. It is important to the Government and it is obviously important to the defendant. It is your obligation to decide this case on the evidence and on the law as I have charged it to you. And I give the case to you with the assurance that you will do just that.

Ladies and gentlemen, I now retire with counsel to the robing room and go over with them the charge as I have given it to you, to hear their objections and to hear from them whether I have by inadvertence misstated or left something out.

When we come back the case will be given to you.

(In the robing room)

THE COURT: All right, Mr. Siegel, I will take your exceptions.

MR. SIEGEL: Your Honor, first I will take the blanket exception to the charge.

In addition, specifically, your Honor, in your

instruction to the jury on the inferences, it is my recollection of your charge that you did not specifically state that if there are two inferences to be drawn --

THE COURT: That is not the law in this circuit. The law in this circuit is that it is for the jury to make the determination. The law in the Fifth Circuit or some other circuit may be if there is an inference to be drawn, one innocent and one the other, they have to choose the innocent.

MR. SIEGEL: I believe it's discretionary.

THE COURT: That is now the law in this circuit.

MR. SIEGEL: I would ask again the Court to instruxt the jury as to the defendant's state of mind. In my requests to charge, I asked that the defendant's state of mind, if in fact he felt that he was acting with the permission and authority of the rightful owner.

THE COURT: I think that was covered. As a matter of fact, that was covered in the charge.

What is next?

MR. SIEGEL: That is all I have at this point, your Honor.

MS. CUSHMAN: No exceptions, your Honor.

THE COURT: Let's go.

(In open court)

Judge Carter
United States District Court
Southern District of New York
N.Y., N.Y. 10007

353 Central Park West
New York, N.Y. 10025
November 21, 1975

Dear Judge Carter:

I was one of the jurors on the Charles Bradley case which was tried on November 14 and 15, 1975. I expressed concern to you and Mr. Fagin on Nov. 17, 1975 about the alacrity with which the jury arrived at a verdict of guilty and wondered whether the jury could have properly weighed all of the evidence in so short a time (about twenty minutes).

The following also lead me to believe the matter should be reconsidered:

1) I did not understand the meaning of the word "utter" used in the indictment, and I do not believe the rest of the jury did either as I asked them what it meant.

2) I am personally involved in trying to get money back for a traveller's check which was lost or stolen. I am also involved in a situation where my signature was put on a document (not by me) and the document sent to an institution with money to be sent upon receipt of the document. These did not occur to me at the time of the trial.

3) One of the alternate jurors said, "We might as well say they're all guilty and get it over with."
4) One of the jurors before the trial had expressed seemed to me to express an opinion that this person believed the accused was guilty before the trial was over with.
5) Frances Berger was misspelled Francis Berger in the indictment.
6) I did not understand whether or not the jury should have ignored remarks made about "Tony" or at what point or points, if any, those remarks should have been disregarded.
7) Further testimony about Tony might have indicated mitigating circumstances.
8) The photographs and testimony about them were extremely confusing.
9) The check-casher could not identify Bradley as the one who had presented the check.
10) One investigator did not follow all the way through.
11) The investigator who took the statement was not in court as a witness.
12) The written statement began with an attempt to describe "Tony." This was apparently written by Bradley. Then this writing terminated abruptly and was followed by another person writing (presumably Bohlen) and related what transpired rather than a description of Tony.

13) The jury could not fairly have been asked to compare the signatures on I.D.s and check with the hand-writing sample.
14) Apparently the presumption of innocence faded awfully fast as 9 out of 12 jurors voted guilty on both counts and the two others guilty on one count almost immediately after leaving the court-room.
15) One of the jurors made a remarks which indicated that person felt the case was of little consequence.

Yours very truly,

Ralph W. Elliott